

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

GILBERT SALINAS, individually, and  
on behalf of all others similarly  
situated,

Case No. 12-CV-02894

## **CLASS ACTION**

VS

**ORDER GRANTING PLAINTIFF'S MOTION  
FOR AN ORDER:**

KRAFT FOODS GLOBAL, INC., and  
DOES 1 through 100, inclusive,

**(1) GRANTING PRELIMINARY APPROVAL OF THE CLASS ACTION SETTLEMENT AGREEMENT;**

## Defendants.

**(2) GRANTING CONDITIONAL  
CERTIFICATION OF THE  
SETTLEMENT CLASS;**

### **(3) APPOINTING CLASS COUNSEL;**

**(4) APPOINTING CLASS  
REPRESENTATIVE;**

**(5) APPOINTING SETTLEMENT  
ADMINISTRATOR; AND**

**(6) APPROVING CLASS NOTICE, OPT-OUT FORM AND TIMELINE FOR ADMINISTRATION**

The Court, having considered the submissions, arguments and good cause appearing, hereby **ORDERS THAT:**

1. This Court preliminarily approves the Class Action Settlement Agreement and Release of Claims (“Settlement”) between Plaintiff Gilbert Salinas (“Plaintiff”), on Behalf of Himself, and all Others Similarly Situated, and Defendant Kraft Foods Global, Inc. (“Defendant”) and finds that the Settlement is within the “range of reasonableness” as to the Settlement Class, and that it is the product of good faith negotiations between the parties.

1           2. The Court conditionally certifies the proposed Settlement Class contained therein  
 2 and conditionally finds that, solely for the purposes of approving this settlement and for no other  
 3 purpose and with no other effect on this litigation, the proposed Settlement Class meets the  
 4 requirements for certification under Federal Rules of Civil Procedure, Rules 23(a) and 23(b),  
 5 including that: (a) the proposed class is ascertainable and so numerous that joinder of all  
 6 members of the class is impractical; (b) there are predominant questions of law or fact common  
 7 to the proposed class, and there is a well defined community of interest amongst the members of  
 8 the proposed class with respect to the subject matter of the litigation; (c) the claims of  
 9 Representative Plaintiff Gilbert Salinas are typical of the claims of the members of the proposed  
 10 class; (d) Representative Plaintiff Gilbert Salinas and Class Counsel will fairly and adequately  
 11 protect the interests of the members of the class and (e) a class action is superior to other  
 12 available methods for an efficient adjudication of this controversy.

13           3. The Court provisionally finds Scott Cole & Associates, APC to be sufficiently  
 14 experienced and proficient in class action proceedings that they may act as Class Counsel and  
 15 are, therefore, appointed as such.

16           4. The Court provisionally appoints Representative Plaintiff Gilbert Salinas as Class  
 17 Representative.

18           5. The Court grants Class Counsel permission to obtain bids from various companies  
 19 for the administration of this Settlement and grants permission for the Parties to then select the  
 20 most cost efficient bidder as Claims Administrator.

21           6. The Court approves the Revised Class Notice, filed on August 20, 2013. Dkt. No.  
 22 41, Exhibit A. Notice shall be provided to Settlement Class Members as set forth in the  
 23 Settlement and the Court finds that it is the best notice practicable under the circumstances and  
 24 fully complies with the laws of the State of California, the Federal Rules of Civil Procedure and  
 25 the requirements of due process.

26           7. Defendant will provide the Claims Administrator with the name, last known home  
 27 address, home telephone number, email address, and data pertaining to the dates of employment

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1 for each and every person within the class definition. This data is within Defendant's  
 2 employment records.

3       8.       The Class Notice will be mailed within twenty-five (25) calendar days of the  
 4 Court granting preliminary approval of the Settlement. Plaintiff and Class Members shall not be  
 5 required to pay return postage on the Class Notice and the cost of such postage shall be included  
 6 in the fees and costs of the Settlement Administrator.

7       9.       The Court approves the proposed procedure for submitting Requests for  
 8 Exclusion. Class Members must submit a signed, written request to the Claims Administrator  
 9 which clearly states his/her wish not to participate in the Settlement.

10      10.      Objections to the Settlement must be filed with the clerk of the court and served  
 11 on Class Counsel and Defendant's Counsel no later than thirty (30) calendar days after the Class  
 12 Notice is sent (or not more than ten (10) calendar days after the date the Class Notice is re-  
 13 mailed).

14      11.      At least 35 days prior to the Final Approval Hearing, Plaintiff will file a motion  
 15 for final approval and judgment, for reimbursement of attorneys' fees and litigation costs, for  
 16 reimbursement of costs associated with the claims administration of this settlement, and an  
 17 enhancement award to the Representative Plaintiff for his service to the Class.

18      12.      The Final Approval Hearing shall be held on November 13, 2013 at 2:00 p.m. to  
 19 determine whether the proposed Settlement is fair, adequate, reasonable, and should be  
 20 approved. Plaintiff's papers in support of the Settlement, and any application for award of  
 21 attorneys' fees, costs, and expenses to Class Counsel, payment to the California Labor &  
 22 Workforce Development Agency ("LWDA") for release of claims under the Private Attorneys  
 23 General Act ("PAGA") under Labor Code §§ 2699 et seq., and any application for a service  
 24 payment to the Representative Plaintiff, shall be filed with the Court on or before October 9,  
 25 2013. Should the proposed Settlement be approved, following the final approval hearing, the  
 26 Court shall enter judgment in accordance with the Settlement that will adjudicate the rights of all  
 27 Class Members who do not opt out, including the named Plaintiff.

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1           13. Class Counsel shall provide the Court, at least five (5) calendar days prior to the  
 2 final approval hearing, a declaration by the Settlement Administrator of due diligence and proof  
 3 of mailing with regard to the mailing of the Class Notice.

4           13. Unless otherwise modified by the Court, the dates for performance are as follows:

<b>Date/Triggering Event:</b>	<b>Event:</b>
August 26, 2013	Court enters Conditional Approval Order.
September 10, 2013 [15 calendar days after Conditional Approval]:	Deadline for Defendant to provide the Stipulated Class Members' contact information to Settlement Administrator.
September 20, 2013 [25 calendar days after Conditional Approval]:	Deadline for Settlement Administrator to mail Class Notice Package.
October 20, 2013 [30 days after Class Notice Package mailed (or within ten calendar days of the date the Class Notice was re-mailed)]:	Last day for Class Members to object to the Settlement or to opt-out of the Settlement via a written request for exclusion.
October 9, 2013 [35 days or more before Final Approval Hearing]	Last Day for Class Counsel to file Motion for Final Approval.

19           **IT IS SO ORDERED.**

20           Dated: August 26, 2013



21           The Honorable William H. Orrick  
 22           United States District Court Judge

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